

Message Text

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ACTION EB-08

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TO SECSTATE WASHDC 6258

C O N F I D E N T I A L BUENOS AIRES 4896

E.O. 11652: GDS
TAGS: ETRD, AR
SUBJECT: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: STATE 136706

1. EMBASSY HAS FOLLOWING ANSWERS TO REFTEL PARA 3
QUESTIONS. ANSWERS ARE LETTERED TO CORRESPOND WITH
QUESTIONS.

A. SLAVE, INDENTURED, OR OTHER FORCED LABOR IS PROHIBITED
BY LAW AND NOT CONDONED BY PRACTICE.

B. LAW 20,744, PROMULGATED IN 1974, KNOWN AS THE LABOR
CONTRACT LAW STATES IN ARTICLE 206 THAT 14 IS
THE MINIMUM WORKING AGE FOR YOUTH. ARTICLE 207
STATES THAT YOUTH BETWEEN 14 AND 16 CAN NOT WORK MORE
THAN SIX HOURS DAILY AND THIRTY-SIX HOURS WEEKLY. THE
SAME ARTICLE PROVIDES THAT YOUTH BETWEEN 16 AND 18 YEARS
OF AGE CAN NOT WORK MORE THAN EIGHT HOURS DAILY OR
FORTY-EIGHT HOURS WEEKLY. WORKING BETWEEN 8:00 P.M.
AND 6:00 A.M. IS PROHIBITED FOR YOUTH BETWEEN 14 AND 18
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YEARS OF AGE. YOUTH EMPLOYED MUST HAVE A MINIMUM OF
15 FREE DAYS PER YEAR.

C. DECREE 4160 OF MAY 1973 DETAILS STANDARDS (NOISE,
RADIATION, FIRE PREVENTION, ALL TYPES OF HARMFUL
SUBSTANCES, MACHINERY SAFETY, VENTILATION, ETC.)
DESIGNED TO PREVENT WORKER ACCIDENTS AND ILLNESSES

CAUSED BY WORKING CONDITIONS. IT REQUIRES THE ESTABLISHMENT OF MEDICAL AND SAFETY SERVICES IN EACH ORGANIZATION EMPLOYING MORE THAN 150 PERSONS. ARTICLE 34 OF THE DECREE SPECIFIES THE TYPE OF EXAMINATIONS THAT MUST BE GIVEN TO WORKERS WORKING WITH LEAD, BENZENE, AND DUSTS. FOR EXAMPLE, LABORERS WORKING WITH BENZENE MUST BE GIVEN A COMPLETE BLOOD COUNT TEST WITH EMPHASIS ON THE PLATELET LEVEL. ALSO, THE LAW REQUIRES AN EVALUATION OF THE WORKER'S CAPILLARY STRENGTH AND HIS TENDENCY TO HEMORRHAGE. FURTHERMORE, ALL THE MEDICAL EXAMS MENTIONED ABOVE MUST BE CONDUCTED ON A SEMESTER BASIS EXCEPT FOR THE EXAMINATION FOR LEAD WHICH MUST BE CONDUCTED MONTHLY. IN ADDITION, ARTICLE 94 STATES THAT THE MAXIMUM PERMISSIBLE LEVELS OF HARMFUL SUBSTANCES WHICH ARE LISTED IN APPENDIX 1 OF THE DECREE WILL BE REVIEWED ANNUALLY. TEST FOR THESE SUBSTANCES MUST BE CONDUCTED REGULARLY IN THE PLANTS. APPENDIX 1 LISTS THE MAXIMUM PERMISSIBLE LEVELS FOR THE PRODUCTS MENTIONED IN QUESTION C AS FOLLOWS: COTTON DUST, 1 MILLIGRAM PER CUBIC METER; BENZENE, 25 PARTS PER 1,000 OR 80 MILLIGRAMS PER CUBIC METER; LEAD, .2 MILLIGRAMS PER CUBIC METER; TRICHLOR-ETHYLENE, 100 PARTS PER 1,000 AND 535 MILLIGRAMS PER CUBIC METER; AND SILICA, 100 PARTS PER 1,000 AND 850 MILLIGRAMS PER CUBIC METER. ARTICLE 239 STATES THAT TOXIC SUBSTANCES SHOULD BE CONFIDENTIAL

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HANDLED IN ISOLATED AND PREFERABLY SEALED LOCATIONS, WITH A VENTILATION SYSTEM CAPABLE OF CHANGING THE AIR CONSTANTLY. ARTICLE 241 REQUIRES THAT DUSTS BE COLLECTED AND DISPOSED OF AS QUICKLY AND EFFICIENTLY AS POSSIBLE. THE INSTALLATION OF A WARNING SYSTEM TO ADVISE WORKERS OF DANGEROUSLY HIGH LEVELS OF TOXIC SUBSTANCES IS REQUIRED IN ARTICLE 243. CHAPTER 19 (ARTICLES 272 THROUGH 287) GIVES STANDARDS FOR CLOTHING AND OTHER EQUIPMENT USED TO PROTECT WORKERS FROM ONHALING OR COMING INTO CONTACT WITH TOXIC SUBSTANCES.

D. NEITHER LABOR REGULATIONS NOR STANDARDS HAVE DIFFERENTIAL APPLICATION DEPENDING ON THE LOCATION OF LABOR, WHETHER IT IS EMPLOYED IN FREE TRADE ZONES, INDUSTRIAL EXPORT INDUSTRIES OR TARGET IMPORT SUBSTITUTION INDUSTRIES OR IN PLANTS BUILT BY FOREIGN INVESTMENTS.

2. THE LABOR PRACTICES AND LAWS DESCRIBED ABOVE APPLY TO THE WHOLE ECONOMY. THE LAWS ARE BETTER ENFORCED THAN IN MOST LDC'S.
CASTRO

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